

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

IN THE MATTER OF:

**PETITION FOR REVIEW OF
THE STATE CERTIFICATION
OF LOS ALAMOS NATIONAL LABORATORY
INDIVIDUAL STORMWATER PERMIT
NPDES PERMIT NO. NM0030759**

No. SWQB 20-78

**Newport News Nuclear BWXT-Los
Alamos, LLC and United States Department of Energy,**

Petitioners.

JOINT MOTION TO VACATE AND RESCHEDULE HEARING

The Parties in this matter, the New Mexico Environment Department, Surface Water Quality Bureau (“Department”), Newport News Nuclear BWXT-Los Alamos, LLC (“N3B”), and the United States Department of Energy (“DOE”), jointly move that the public hearing currently set for June 16, 2021, be vacated and rescheduled for a later time no earlier than 60 days after June 16, 2021. In support of the motion, the Parties state as follows.

1. A scheduling conference was held in this matter on January 26, 2021, attended by all the Parties.
2. An *Amended Scheduling and Procedural Order* (“Order”) was issued by the Hearing Officer on February 19, 2021. The Order set this matter for public hearing on June 16, 2021, with interim due dates of April 30 for notices of intent to present technical testimony, and June 1 for rebuttal testimony.
3. The Parties have discussed engaging in settlement negotiations since the issuance of the Order and anticipate significant progress towards a settlement.

4. The Parties believe that, with additional time, there is a substantial likelihood that a settlement can be reached that would obviate the need for a public hearing in this matter.
5. In addition, due to unforeseen resource constraints, two potential witnesses for the Department will be temporarily unavailable to prepare testimony, and otherwise prepare for the hearing.
6. A later setting will allow all Parties to more fully prepare for a hearing, and, if settlement is not achieved, will result in a clearer presentation of the issues to the hearing officer.
7. No party will be prejudiced by delaying the hearing.
8. The Department has agreed to bear the cost of republishing all necessary public notice.

WHEREFORE, the Parties request that the hearing set for June 16, 2021, and all interim due dates be vacated and the hearing reset for a date no earlier than 60 days after June 16.

Respectfully Submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT

/s/ John Verheul

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